

**260.765 Definitions for KRS 260.765 to 260.772.**

As used in KRS 260.765 to 260.772, unless context requires a different meaning:

- (1) (a) "Covered produce" means food that is:
1. Produce as defined in 21 C.F.R pt. 112 and is a raw agricultural commodity; or
  2. A fruit or vegetable, including but not limited to: almonds, apples, apricots, apriums, artichokes-globe-type, Asian pears, avocados, babacos, bananas, Belgian endive, blackberries, blueberries, boysenberries, Brazil nuts, broad beans, broccoli, Brussels sprouts, burdock, cabbages; Chinese cabbages including but not limited to bok choy, mustard, and Napa; cantaloupes, carambolas, carrots, cauliflower, celeriac, celery, chayote fruit, sweet cherries, chestnuts, chicory roots and tops; citrus including but not limited to clementine, grapefruit, lemons, limes, mandarin, oranges, tangerines, tangors, and unqi fruit; cowpea beans, cress-garden, cucumbers, curly endive, currants, dandelion leaves, fennel-Florence, garlic, genip, gooseberries, grapes, green beans, guavas; herbs including but not limited to basil, chives, cilantro, oregano, and parsley; honeydew, huckleberries, Jerusalem artichokes, kale, kiwifruit, kohlrabi, kumquats, leek, lettuce, lychees, macadamia nuts, mangos; other melons including but not limited to Canary, Crenshaw, and Persian; mulberries, mushrooms, mustard greens, nectarines, onions, papayas, parsnips, passion fruit, peaches, pears, peas, and peas-pigeon; peppers including but not limited to bell and hot; pine nuts, pineapples, plantains, plums, plumcots, quince, radishes, raspberries, rhubarb, rutabagas, scallions, shallots, snow peas, soursop, and spinach; sprouts including but not limited to alfalfa and mung bean; strawberries; summer squash including but not limited to patty pan, yellow, and zucchini; sweetsop, Swiss chard, taro, tomatoes, and turmeric; turnips including roots and tops; walnuts, watercress, watermelons, and yams; and mixes of intact fruits and vegetables including but not limited to fruit baskets.
- (b) "Covered produce" does not include produce that is:
1. Rarely consumed raw, specifically the produce on the following exhaustive list: asparagus, black beans, great northern beans, kidney beans, lima beans, navy beans, pinto beans; garden beets including roots and tops; sugar beets, cashews, sour cherries, chickpeas, cocoa beans, coffee beans, collards, sweet corn, cranberries, and dates; dill including seeds and weed; eggplants, figs, ginger, hazelnuts, horseradish, lentils, okra, peanuts, pecans, peppermint, potatoes, pumpkins, winter squash, sweet potatoes, and water chestnuts;
  2. Produced by an individual for personal consumption or produced for consumption on the farm or another farm under the same management;  
or

3. Not a raw agricultural commodity;
- (2) "Covered farm" means a farm or farm mixed-type facility that:
  - (a) Has an average annual monetary value of produce sold during the previous three (3) year period of more than twenty-five thousand dollars (\$25,000) on a rolling basis, adjusted for inflation using 2011 as the baseline year for the calculation of the adjustment; and
  - (b) Is subject to all applicable requirements of 21 C.F.R. pt. 112, KRS 260.765 to 260.772, or any administrative regulation adopted pursuant to KRS 260.769, including registration requirements;
- (3) "Department" means the Kentucky Department of Agriculture;
- (4) "Farm" has the same meaning as in 21 C.F.R. sec. 112.3;
- (5) "Farm mixed-type facility" has the same meaning as in 21 C.F.R. sec. 112.3;
- (6) "Food" has the same meaning as in 21 C.F.R. sec. 112.3;
- (7) "Produce" has the same meaning as in 21 C.F.R. sec. 112.3;
- (8) "Qualified end-user" has the same meaning as in 21 C.F.R. sec. 112.3;
- (9) "Raw agricultural commodity" has the same meaning as in 21 C.F.R. sec. 112.3; and
- (10) "Stop movement order" means an order issued by the department or its representative that removes covered produce and stops the sale of the removed product until a release or change of order has been issued by the department or its representative.

**Effective:** July 15, 2020

**History:** Created 2020 Ky. Acts ch. 68, sec. 1, effective July 15, 2020.